

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)
THURSDAY THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

: PRESENT:

THE HON'BLE **MR. DEVINDER GUPTA** THE CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE: **B. SESHASAYANA REDDY**

W.A. No.1377/2004 and WP. Nos. 19483, 19059, 19060, 19061 & 19468 of
2000

WA.No. 1377 of 2004:

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(Appeal under Clause 15 of the Letters Patent against the Order in
WPMP.No.2546 of 2003 & WVMP.No. 2244 of 2004 in WP.No.1957 of
2003 dated 18-08-2004 on the file of the High Court).

Between:

Smt. G.Laxmi Buchaiah.

Appellant/Petitioner

AND

1. The State of Andhra Pradesh, rep. by the Secretary, Municipal
Administration and Urban Development Authority, Secretariat, Hyderabad.
2. Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund
Road, Hyderabad.
3. Hyderabad Urban Development Authority, rep. by its Vice Chairman,
Partigadda, Secunderabad.
4. Special Deputy Collector, Land Acquisition, Municipal Corporation of
Hyderabad, Tank Bund, Hyderabad.
5. The Collector, Hyderabad District, Hyderabad.

Respondents

The Petition coming on for hearing upon perusing the petition and
Grounds filed herein and the order of the High Court dated. 28-09-2004, 23-11-
2004, 25-01-2005 & 27-01-2005 and made herein and upon hearing the
arguments of Mr. Vilas V. Afzulpurkar, Advocate for the Appellant and of G.P. for
Land Acquisition on behalf of the Respondents 1,4 & 5 and of Mr. G.Rama Rao
– S.C. for MCH for the Respondent No.2. and of Mr. B.Viswanatha Reddy – S.C.
for HUDA for the Respondent No.3.

WP.No. 19483 of 2000:

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Between:

1. Sri Katta Maisamma Residents welfare Association, a regd. Association
bearing No. 2126/99, rep. by its Secretary Sri Sharad Chincholikar.
2. Dr. Indira mahdevan
3. Sri Yadav Rao
4. Sri G.Pandurangam.

Petitioners

AND

1. The State of Andhra Pradesh, rep. by the Secretary, Municipal
Administration and Urban Development Authority, Secretariat, Hyderabad.
2. Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund
Road, Hyderabad.
3. Hyderabad Urban Development Authority, rep. by its Vice Chairman,
Partigadda, Secunderabad.
4. Special Deputy Collector, Land Acquisition, Municipal Corporation of

- Hyderabad, Tank Bund, Hyderabad.
5. The Collector, Hyderabad District, Hyderabad.
(R5 is impleaded as per court order dt. 23-10-2000 in WPMP.
24976/2000)

Respondents

..2..

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction in the nature of mandamus or otherwise declaring that the impugned notification issued by the respondents herein in proceedings memo no. A/465/2000 dt. 30-9-2000 u/s. 4(1) published in Deccan Chronicle dt. 30-09-2000 and proceedings memo No. A/465/2000 dt. 2-10-2000 u/s. 6 of the Land Acquisition Act and published in Deccan Chronicle on 30-9-2000 and 2-10-2000 as illegal arbitrary, ultravires, and violative of principles of Land Acquisition Act and are unenforceable.

The Petition coming on for hearing, upon perusing the petition and the affidavit filed herein and the order of the High Court dated. 28-09-2004, 23-11-2004 25-01-2005 & 27-01-2005 and made herein and upon hearing the arguments of Mr. Vilas V.Afzulpurkar, Advocate for the Petitioners and of G.P. for Land Acquisition on behalf of the Respondents 1,4 & 5 and of Mr. G.Rama Rao – S.C. for MCH for the Respondent No.2. and of Mr. B.Viswanatha Reddy – S.C. for HUDA for the Respondent No.3.

WP.No. 19059 of 2000:

Between:

1. Sri Katta Maisamma Residents welfare Association, a regd. Association bearing No. 2126/99, rep. by its Secretary Sri Sharad Chincholikar.
2. Dr. Indira Mahadevan
3. Sri M.Ramachandra Rao.
4. Mrs. M.Lakshmi Ramchandra Rao.

Petitioners

AND

1. The State of Andhra Pradesh, rep. by the Secretary, Municipal Administration and Urban Development Authority, Secretariat, Hyderabad.
2. Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund Road, Hyderabad.
3. Hyderabad Urban Development Authority, rep. by its Vice Chairman, Partigadda, Secunderabad.
4. Special Deputy Collector, Land Acquisition, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
5. The Collector, Hyderabad District, Hyderabad.
(R5 is impleaded as per court order dt. 23-10-2000 in WPMP.
24972/2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction in the nature of mandamus or otherwise

declaring that the impugned notification issued by the respondents herein in proceedings memo no. A/461/2000 dt. 30-9-2000 u/s. 4(1) and proceedings memo no. A/461/2000 dt. 2-10-2000 u/s. 6 of the Land Acquisition Act and published in Deccan Chronicle dt. 30-9-2000 and 2-10-2000 as illegal arbitrary, ultravires, and violative of principles of Land Acquisition Act and are unenforceable.

The Petition coming on for hearing, upon perusing the petition and the affidavit filed herein and the order of the High Court dated. 28-09-2004, 23-11-2004, 25-01-2005 & 27-01-2005 and made herein and upon hearing the arguments of Mr. Vilas V.Afzulpurkar, Advocate for the Petitioners and of G.P. for Land Acquisition on behalf of the Respondents 1,4 & 5 and of Mr. G.Rama Rao – S.C. for MCH for the Respondent No.2. and of Mr. B. Viswanatha Reddy – S.C. for HUDA for the Respondent No.3.

..3..

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WP.No. 19060 of 2000:

Between:

1. Sri Katta Maisamma Residents welfare Association, a regd. Association bearing No. 2126/99, rep. by its Secretary Sri Sharad Chincholikar.
2. Dr. Indira Mahadevan
3. Sri Sharad Chincholikar.

Petitioners

AND

1. The State of Andhra Pradesh, rep. by the Secretary, Municipal Administration and Urban Development Authority, Secretariat, Hyderabad.
2. Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund Road, Hyderabad.
3. Hyderabad Urban Development Authority, rep. by its Vice Chairman, Partigadda, Secunderabad.
4. Special Deputy Collector, Land Acquisition, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
5. The Collector, Hyderabad District, Hyderabad.
(R5 is impleaded as per court order dt. 23-10-2000 in WPMP. 24973/2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction in the nature of mandamus or otherwise declaring that the impugned notification issued by the respondents herein in proceedings memo no. A/460/2000 dt. 30-9-2000 u/s. 4(1) and proceedings memo no. A/460/2000 dt. 2-10-2000 u/s. 6 of the Land Acquisition Act and published in Deccan Chronicle dt. 30-9-2000 and 2-10-2000 as illegal arbitrary, ultravires, and violative of principles of Land Acquisition Act and are unenforceable.

The Petition coming on for hearing, upon perusing the petition and the

affidavit filed herein and the order of the High Court dated. 28-09-2004, 23-11-2004, 25-01-2005 & 27-01-2005 and made herein and upon hearing the arguments of Mr. Vilas V.Afzulpurkar, Advocate for the Petitioners and of G.P. for Land Acquisition on behalf of the Respondents 1,4 & 5 and of Mr. G. Rama Rao – S.C. for MCH for the Respondent No.2. and of Mr. B.Viswanatha Reddy – S.C. for HUDA for the Respondent No.3.

WP.No. 19061 of 2000:

Between:

1. Sri Katta Maisamma Residents welfare Association, a regd. Association bearing No. 2126/99, rep. by its Secretary Sri Sharad Chincholikar.
2. Dr. Indira Mahadevan
3. Sri G.Rajiv Prakash
4. Mrs. Kalindi Chintawar.

Petitioners

AND

1. The State of Andhra Pradesh, rep. by the Secretary, Municipal Administration and Urban Development Authority, Secretariat, Hyderabad.
 2. Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund Road, Hyderabad.
 3. Hyderabad Urban Development Authority, rep. by its Vice Chairman, Partigadda, Secunderabad.
 4. Special Deputy Collector, Land Acquisition, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
 5. The Collector, Hyderabad District, Hyderabad.
- (R5 is impleaded as per court order dt. 23-10-2000 in WPMP. 24974/2000)

Respondents

..4..

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction in the nature of mandamus or otherwise declaring that the impugned notification issued by the respondents herein in proceedings memo no. A/464/2000 dt. 30-9-2000 u/s. 4(1) and proceedings memo no. A/464/2000 dt. 2-10-2000 u/s. 6 of the Land Acquisition Act and published in Deccan Chronicle dt. 30-9-2000 and 2-10-2000 as illegal arbitrary, ultravires, and violative of principles of Land Acquisition Act and are unenforceable.

The Petition coming on for hearing, upon perusing the petition and the affidavit filed herein and the order of the High Court dated. 28-09-2004, 23-11-2004, 25-01-2005 & 27-01-2005 and made herein and upon hearing the arguments of Mr. Vilas V.Afzulpurkar, Advocate for the Petitioners and of G.P. for Land Acquisition on behalf of the Respondents 1, 4 & 5 and of Mr. G.Rama Rao – S.C. for MCH for the Respondent No.2. and of Mr. B.Viswanatha Reddy – S.C. for HUDA for the Respondent No.3.

WP.No. 19468 of 2000:

Between:

1. Sri Katta Maisamma Residents welfare Association, a regd. Association bearing No. 2126/99, rep. by its Secretary Sri Sharad Chincholikar.
2. Dr. Indira Mahadevan
3. Smt. Bhagirati Mahadevan.

AND

1. The State of Andhra Pradesh, rep. by the Secretary, Municipal Administration and Urban Development Authority, Secretariat, Hyderabad.
 2. Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund Road, Hyderabad.
 3. Hyderabad Urban Development Authority, rep. by its Vice Chairman, Partigadda, Secunderabad.
 4. Special Deputy Collector, Land Acquisition, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
 5. The Collector, Hyderabad District, Hyderabad.
- (R5 is impleaded as per court order dt. 23-10-2000 in WPMP. 24975/2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction in the nature of mandamus or otherwise declaring that the impugned notification issued by the respondents herein in proceedings memo no. A/467/2000 dt. 30-9-2000 u/s. 4(1) published Deccan Chronicle dt. 30-9-2000 and proceedings memo no. A/467/2000 dt. 2-10-2000 u/s. 6 of the Land Acquisition Act and published in Deccan Chronicle on 30-9-2000 and 2-10-2000 as illegal arbitrary, ultravires, and violative of principles of Land Acquisition Act and are unenforceable.

The Petition coming on for hearing, upon perusing the petition and the affidavit filed herein and the order of the High Court dated. 28-09-2004, 23-11-2004, 25-01-2005 & 27-01-2005 and made herein and upon hearing the arguments of Mr. Vilas V. Afzulpurkar, Advocate for the Petitioners and of G.P. for Land Acquisition on behalf of the Respondents 1,4 & 5 and of Mr. G. Rama Rao – S.C. for MCH for the Respondent No.2. and of Mr. B.Viswanatha Reddy – S.C. for HUDA for the Respondent No.3, the Court made the following

..5..

ORDER:

“These cases had been pending consideration for quite some time and are being adjourned from time to time in view of possible settlement, if any, or a viable solution to be arrived at, which might be beneficial to all concerned. The land owners had been earlier taking a rigid stand, but, voluntarily came forward with a solution considering larger public interest that they will have no objection of the Government taking over the land up to the road width of 15 feet. Matter was again examined by respondents and then land owners agreed that they will have no objection, at present, in case, road is widened from 15` to 17`, and, in any case, if the respondents really and genuinely require, liberty be reserved to proceed in accordance

with law to acquire in future. On these questions, the Bench has required response from the respondents. The learned counsel for Respondent-Municipal Corporation of Hyderabad states that as per the instructions given to him, Committee has already taken a decision for widening the road up to 25 ft. and it will not be possible to concede to the request of the land owners.

The learned counsel for the land owners-appellants states that whenever the authorities made visits to their place, they invariably agreed to the suggestion of the land owners, but, nothing is put on record that suggestion of the appellants is not acceptable to the respondents and a very tough stand is now taken that the suggestion made by the appellants will not serve the purpose.

The learned counsel for the appellants has stated that appellants will have no objection even as of today, in case, road is widened up to 18 feet, and, liberty may be reserved to the respondents to take appropriate proceedings for acquiring the remaining portion later in point of time as and when the necessity thereof arises in future, if it is really and genuinely required by the Government. This is a very reasonable suggestion that has come forward and is likely to settle the controversy for the time being and, we may note that the controversy before the Court is about the legality and validity of the acquisition proceedings, which have been initiated dispensing with the requirement of hearing objections under Section 5-A of the Land Acquisition Act, 1895.

We would like the Municipal authorities to place on record as to whether appellants' suggestion is, or, is not acceptable.

Post on 17-02-2005".

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Special Secretary to Chief Minister, Government of A.P., Secretariat, Hyderabad.
2. The Secretary, Municipal Administration and Urban Development Authority, State of Andhra Pradesh, Secretariat, Hyderabad.
3. The Commissioner, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.
4. The Vice Chairman, Hyderabad Urban Development Authority, Partigadda, Secunderabad.
5. The Special Deputy Collector, Land Acquisition, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
6. The Collector, Hyderabad District, Hyderabad. **(Addressees 1 to 6 BY SPECIAL MESSENGER)**
7. Two CCs to G.P. for Land Acquisition, High Court of A.P. Hyderabad **(BY SPECIAL MESSENGER)**
8. Two spare copies.

Ksv

HIGH COURT

**HCJ
&
BSSRJ**

DATE: 10-02-2005

NOTE: POST ON 17-02-2005

ORDER

**W.A. No.1377 OF 2004 and WP. Nos. 19483,
19059, 19060, 19061 & 19468 of 2000**

DIRECTION